

# EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

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erroneously named as Hopwell  
Navigation, Inc.

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MIGUEL VALENCIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

# MIGUEL VALENCIA

Case No.: C 05 02371 JCS

**Plaintiff,**

VS.

HYUNDAI MERCHANT MARINE  
COMPANY, LTD., HOPWELL  
NAVIGATION, INC. and DOES 1-20,

## Defendants.

STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME TO  
PARTICIPATE IN PRIVATE MEDIATION

The Court has ordered the parties to participate in a private mediation on or before June 1, 2006. A further Case Management Conference is set for 1:30 p.m. at June 2, 2006.

Plaintiff has reached maximal medical improvement and undergone a functional capacity exam. On April 3, 2006, Defendants' counsel received from Plaintiff's Counsel the report on the functional capacity exam. Defendant Hopewell then requested Plaintiff's consent to an independent medical examination (IME) by Dr. Richard Dedo on one of Dr. Dedo's available

1 dates: either April 14, 2006 or May 8, 2006. Plaintiff was not available on April 14, 2006, but  
2 agreed to May 8, 2006. The IME before Dr. Richard Dedo will go forward on that date.

3 This case involves issues of future wage loss and future earning capacity, as well as  
4 issues of medical causation of Plaintiff's three surgeries. In order to participate in mediation,  
5 Plaintiff must undergo the IME, Dr. Dedo must prepare his report, and the parties' attorneys  
6 must study the report and make settlement recommendations to their respective clients. These  
7 actions depend on Plaintiff's IME, which could not take place any earlier than May 8, 2006, due  
8 to Plaintiff's own medical progress, the issuance of the functional capacity exam, and the  
9 respective schedules of Plaintiff and Dr. Dedo.

10 The parties therefore respectfully request the Court extend the time for the parties to  
11 participate in mediation from June 1, 2006 to July 1, 2006.

12 The parties have met and conferred regarding the above, and stipulate to the requested  
13 extension of time.

14 Dated: May 4, 2006

EMARD, DANOFF, PORT & TAMULSKI, LLP  
Andrew I. Port  
Katharine Essick

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By \_\_\_\_\_ /S/

Katharine Essick  
Attorneys for Defendant  
HOPEWELL NAVIGATION INC.

19 Dated: May 4, 2006

WELTIN LAW OFFICE

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By \_\_\_\_\_ /S/

Patrick B. Streb  
Attorneys for Plaintiff  
MIGUEL VALENCIA

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### Certification of Signatures

24 I attest that the content of this document is acceptable to all persons above, who were  
25 required to sign it.

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\_\_\_\_\_  
/S/

Katharine Essick

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1 IT IS SO ORDERED.  
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3 Dated: May 8, 2006  
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